

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TOMMIE LEE KIRKLAND,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

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ORDER

On January 11, 2016, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and served on the parties in this action (ECF Nos. 15, 16), and a copy was given to the Court.

Within the time limitation set forth in the statute, counsel for Plaintiff objected to the Recommendation (ECF No. 17).

The Court has made a *de novo* determination which is in accord with the Magistrate Judge's report. The Court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Plaintiff's Motion for Judgment on the Pleadings (ECF No. 9) is DENIED, that the Defendant's Motion for Judgment on the Pleadings (ECF No. 13) is GRANTED, that the Commissioner's decision finding no disability is AFFIRMED, and that this action is DISMISSED WITH PREJUDICE. A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 3rd day of March, 2016.

/s/ Loretta C. Biggs
United States District Judge